
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

DARLENE SCHMIDT,

Plaintiff,

vs.

GOVERNOR GARY HERBERT,

Defendant.

**MEMORANDUM DECISION
AND ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:18CV311-DAK-BCW

Judge Dale A. Kimball

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). On February 6, 2019, Magistrate Judge Wells issued a Report and Recommendation, recommending that Defendant's Motion to Dismiss be granted and that Defendant's Motion to Quash Service, Plaintiff's Motion to Determine Jurisdiction, Plaintiff's Motion to Strike, Plaintiff's Motion re: California A7, and Plaintiff's Motion to Review Judicial Duties be considered moot. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within fourteen days of receiving it. Plaintiff filed an objection on February 19, 2019.

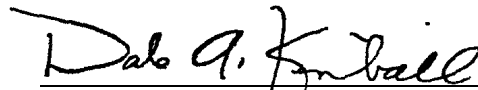
A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation, Plaintiff's objections to the Report and Recommendation, and the

record *de novo*. The court agrees with Magistrate Judge Wells' recommendation to dismiss the case for failure to state a claim upon which relief can be granted. The court construes *pro se* filings liberally and has carefully read Plaintiff's filings. See *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, despite the length of Plaintiff's filings, the court cannot find any actionable legal claims or facts to support such claims.

Accordingly, the court adopts and affirms Magistrate Judge Wells' Report and Recommendation in its entirety. The court grants Defendant's Motion to Dismiss [Docket No. 14], which moots Defendant's Motion to Quash Service [Docket No. 14], Plaintiff's Motion to Determine Jurisdiction [Docket No. 22], Plaintiff's Motion to Strike [Docket No. 28], Plaintiff's Motion re: California A7 [Docket No. 29], and Plaintiff's Motion to Review Judicial Duties [Docket No. 30]. This case is DISMISSED with prejudice for failure to state a claim upon which relief can be granted.

DATED this 27th day of February, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL

United States District Judge